

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

_____	)	
UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Civil Action No.
v.	)	99-2496 (GK)
	)	
PHILIP MORRIS INCORPORATED,	)	
<u>et al.</u> ,	)	
Defendants.	)	
_____		

ORDER #356

This matter is now before the Court on Joint Defendants'<sup>1</sup> Motion for Partial Summary Judgment on Advertising, Marketing, Promotion, and Warning Claims and the United States' Cross Motion for Partial Summary Judgment on Affirmative Defenses.<sup>2</sup> Upon consideration of the Motions, Opposition and the entire record herein, it is this 23 day of May 2003

ORDERED that the Joint Defendants' Motion for Partial Summary Judgment on Advertising, Marketing, Promotion and Warning Claims is **denied**; it is further

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<sup>1</sup> Joint Defendants are Philip Morris USA Inc. (f/k/a Philip Morris Incorporated), R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation (individually and as successor by merger to the American Tobacco Company), Lorillard Tobacco Company, Altria Group Inc. (f/k/a Philip Morris Companies, Inc.), British American Tobacco (Investments), Ltd., The Council for Tobacco Research-U.S.A., Inc., and the Tobacco Institute, Inc.

<sup>2</sup> Defendant Liggett Group, Inc. filed a Notice of Joinder in Joint Defendants' Motion on June 12, 2002.

ORDERED that the Government's Cross Motion for Partial Summary Judgment on Affirmative Defenses is granted in part and denied in part; and it is further

ORDERED that the following Affirmative Defenses are DISMISSED:

Philip Morris, USA, Inc.: Affirmative Defenses: 6, 23, 24;

Altria Group, Inc.: Affirmative Defenses: 7, 24, 25;

R.J. Reynolds Tobacco Co.: Affirmative Defenses: 6, 37, 38;

Brown & Williamson Tobacco Co.: Affirmative Defenses 6, 20, 22;

British American Tobacco (Investments) Limited: Affirmative Defenses 10, 12, 22;

Lorillard Tobacco Company: Affirmative Defenses 12, 24, 25;

The Liggett Group, Inc.: Affirmative Defenses 3, 44, 54;

Council for Tobacco Research - USA: Affirmative Defense 8;

The Tobacco Institute: Affirmative Defenses 25, 37.

May 23, 2003  
Date

Gladys Kessler  
Gladys Kessler  
United States District Court Judge

Copies to:

Sharon Eubanks  
Jonathan M. Redgrave  
Leonard A. Feiwus  
Hon. Richard A. Levie (Ret.)